



April 6, 2017

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

Re: Notice of Ex Parte Communication, GN Docket Nos. 12-268, 16-306

Dear Ms. Dortch:

On April 4, 2017, Senator Gordon H. Smith, Rick Kaplan and the undersigned, all of the National Association of Broadcasters (NAB), met with Chairman Pai, his Chief of Staff, Matthew Berry, and his Acting Media Advisor, Alison Nemeth. During the meeting, NAB discussed its concerns surrounding the repack of broadcast television stations following the close of the broadcast spectrum incentive auction.

NAB emphasized that it appreciates the tremendous efforts of Commission staff both with respect to successfully closing the auction and designing a scheduling plan for assigning repacked stations to transition phases following the auction. NAB remains concerned that under the Commission's existing rule, which remains the subject of a pending petition for reconsideration, broadcasters are required to cease operation on their pre-auction channels after 39 months, without exception. Further, under the existing scheduling plan, the Media Bureau "does not intend to grant requests [to waive deadlines] that would disrupt the transition."<sup>1</sup> These rules may result in viewers losing service despite the best efforts of broadcasters, vendors and Commission staff.

NAB is also concerned that the transition plan does not take into account the potentially significant impact the repack will have on non-repacked broadcasters, including FM radio stations. These stations and their listeners are threatened with potential service disruptions despite the fact that they have nothing whatsoever to do with the auction.

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<sup>1</sup> *Incentive Auction Task Force and Media Bureau Adopt a Post-Incentive Auction Transition Scheduling Plan*, Public Notice, MB Docket No. 16-306, GN Docket No. 12-268, DA 17-107, ¶50 (Jan. 27, 2017).

NAB continues to urge the Commission to adopt a flexible, balanced approach to repacking that is fair to all stakeholders, while avoiding disruption to existing broadcast services.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Patrick McFadden", with a long horizontal flourish extending to the right.

Patrick McFadden  
Associate General Counsel,  
National Association of Broadcasters

cc: Chairman Pai  
Matthew Berry  
Alison Nemeth